

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anthony Piccirilli et al.
Serial No. 10/750,009
Filing Date: December 30, 2003
Examiner: Viet Duy Vu
Art Unit: 2154
Confirmation No.: 9321
Title: SYSTEM AND METHOD FOR MEASURING
MIDDLEWARE RESPONSE TIME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

NOTICE OF APPEAL

Dear Sir:

In response to the final Office Action mailed August 14, 2007, Applicants respectfully request the Board of Patent Appeals and Interferences to reconsider the rejections to the claims and the objections to the Application.

REMARKS

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decisions of the Examiner mailed August 14, 2007 rejecting the pending claims.

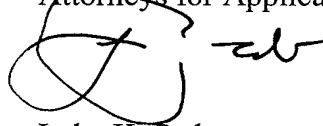
Attached herewith is a Request for Pre-Appeal Brief Review for consideration with this Notice of Appeal.

Please charge Deposit Account No. 02-0384 of Baker Botts L.L.P. the amount of \$500.00 to satisfy the Notice of Appeal fee under 37 C.F.R. § 1.17(b). The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call their attorney at the number listed below.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Luke K. Pedersen
Reg. No. 45,003
(214) 953-6655

Date: 9/17/07

CORRESPONDENCE ADDRESS:

Customer No.: **05073**